

REMARKS

Applicants and Applicants' attorney express appreciation to the Examiner for the courtesies extended during the recent Interview conducted on December 15, 2004. The amendments and corresponding arguments presented in this paper are consistent with the proposals and arguments presented during the Interview. Claims 27-29 are pending, of which claims 27 and 29 are independent method claims. As indicated above, claims 27 and 29 have been amended.¹ Claims 22-26 and 30-44 have been withdrawn from consideration and Applicants confirm the election of Group II (claims 27-29), without traverse, for prosecution on the merits.

The Office Action rejected claims 27-29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,982,445 to Eyer et al. ("*Eyer*").²

Applicants' invention, as recited for example in independent method claim 27 relates to interactive TV. The method includes receiving, at an interactive TV, a compressed video stream representing a WWW page that includes indications for TV channels; displaying the WWW page including indications for TV channels; detecting an interaction of a user with one of said indications; and displaying a TV channel on said interactive TV responsive to said detection of interaction.

Applicants' invention, as recited for example in independent method claim 29 also relates to interactive TV. The method includes providing a compressed video stream representing a TV channel; overlaying on said compressed video stream a compressed video stream representing an interaction layer, including at least one control, without decompressing the compressed video stream representing the TV channel; receiving from a viewer of said video stream an interaction with said control; and modifying said compressed video stream responsive to said received interaction.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131. That is, "for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed

¹ Support for the amendments can be found throughout the Specification, and particularly at paragraphs [0032]-[0033], [0114]-[0116], [0152]-[0153].

² Although Applicants are not changing the prior art status of the cited art at this time, Applicants reserve the right to do so in the future. Accordingly, in making this response, Applicants neither acquiesce to the prior art status of the cited art nor the teachings of the cited art asserted in the Office Action.

invention either explicitly or impliedly." MPEP § 706.02. Applicants also note that "[i]n determining that quantum of prior art disclosure which is necessary to declare an applicant's invention 'not novel' or 'anticipated' within section 102, the stated test is whether a reference contains an 'enabling disclosure.'" MPEP § 2121.01. In other words, a cited reference must be enabled with respect to each claim limitation.

Eyer discloses providing textual and graphical displays using HTML for use with a television decoder. Col. 6, ll. 8-10. The HTML is adapted for use in controlling various television and other functions in a hypertext markup language protocol identified as HTVP in *Eyer*. Col. 6, ll. 11-13. HTVP builds on the URL syntax used in HTML. Col. 6, ll. 18-20. Programming services and HTML/HTVP data are multiplexed for transmission and then recovered at a television receiver through a demultiplexer. Col. 7, l. 59 – col. 8, l. 47. An HTML/HTVP processor receives HTML/HTVP data from the demultiplexer and implements an HTML-based code similar to a web browser. Col. 9, ll. 14-17. The HTML/HTVP is then provided to a combiner where it may be combined with video data to produce a graphical display on a television screen, with the display data overlaying the programming service data or vice-versa. Col. 9, ll. 20-25.

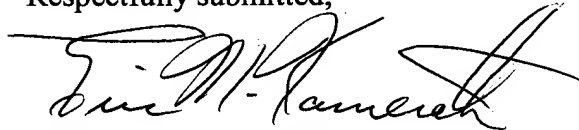
Among other things, however, *Eyer* fails to teach or suggest receiving, at an interactive TV, a compressed video stream representing a WWW page that includes indications for TV channels; displaying the WWW page including indications for TV channels; detecting an interaction of a user with one of said indications; and displaying a TV channel on said interactive TV responsive to said detection of interaction, as recited in independent method claim 27, and *Eyer* fails to teach or suggest providing a compressed video stream representing a TV channel; overlaying on said compressed video stream a compressed video stream representing an interaction layer, including at least one control, without decompressing the compressed video stream representing the TV channel; receiving from a viewer of said video stream an interaction with said control; and modifying said compressed video stream responsive to said received interaction, as recited in independent method claim 29. Rather, as indicated above, *Eyer* makes use of HTML/HTVP. During the Interview, the Examiner seemed to concur with this analysis and noted in the Interview Summary that the proposed amendments appear to overcome the art rejection of record.

Based on at least the foregoing reasons, therefore, Applicants respectfully submit that the cited art fails to anticipate or make obvious Applicants' invention, as claimed, for example, in independent claims 27 and 29. Applicants note for the record that the other rejections and assertions of record with respect to the independent and dependent claims are now moot, and therefore need not be addressed individually. Accordingly, Applicants do not acquiesce to any assertions in the Office Action that are not specifically addressed above, and hereby reserve the right to challenge those assertions in the future, including any official notice taken by the Examiner, if necessary or desired.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 28th day of January, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric M. Kamerath", written over a horizontal line.

RICK D. NYDEGGER
Registration No. 28,651
ERIC M. KAMERATH
Registration No. 46,081
Attorney for Applicant
Customer No. 047973